



GREENGLUM & BERNSTEIN, P.L.C.

1941 ROLAND CLARKE PLACE

RESTON, VA 22091

(703) 716-1191

0380

DATE October 18, 2002

TO Commissioner

USPTO

Washington, DC 20231

SUBJECT

Decision on Petition
for U.S. Patent Application
No. 09/834,736

The above-referenced firm is returning the enclosed
Decision on Petition due to the fact that we
are not attorneys of record in the above-listed case.

SIGNED



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 6

Richard A. Jordan
P.O. Box 81363
Wellesley Hills, MA 02481-0004

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OFFICE OF PETITIONS
ON PETITION

In re Application of
Stein et al.
Application No. 09/834,736
Filed: April 14, 2001
Attorney Docket No. MBE-003

This is a decision on the petition under 37 CFR 1.137(b), filed July 12, 2002, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.48.

The petition under 37 CFR 1.137(b) is **granted**.

The petition under 37 CFR 1.48 is **dismissed as moot**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed June 8, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 9, 2001.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

Petitioner requests deletion of one of the inventors per 37 CFR 1.48. Per 37 CFR 1.48(f)(1),

If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63 by any of the inventors, the first submission of an executed oath or declaration under § 1.63 by any of the inventors during the pendency of the application will act to correct the earlier identification of inventorship.

Since a petition under 37 CFR 1.48 is unnecessary to correct the inventorship, the petition is dismissed as moot and the petition fee of \$130 will be scheduled to be refunded.

The file is now being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy